UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,248	03/13/2001	Ashfaq Hossain	Hossain 2	7720

47396   7590   08/28/2006

HITT GAINES, PC
AGERE SYSTEMS INC.
PO BOX 832570
RICHARDSON, TX 75083

EXAMINER
NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action *Before the Filing of an Appeal Brief*	Application No. 09/804,248	Applicant(s) HOSSAIN, ASHFAQ	
	Examiner Hoang-Vu A. Nguyen-Ba	Art Unit 2192	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>25 July 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1-25</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☒ Other: <u>See examiner's response in the attached document.</u>

[signature]

ANTONY NGUYEN-BA
PRIMARY EXAMINER

Hoang-Vu Antony Nguyen-Ba
Primary Examiner
Art Unit: 2192

In their Remarks, section II, page 6, Applicants asserted that Smith tool does not apply **each** of the fuzzy rules to **each** of the fuzzy mapped values and that some of fuzzy rules are not applied to each of the fuzzy mapped values (for example, in Figure 5 of Smith, rules 5, 6, 8 and 9 are applied to the fuzzy mapped values but all of the other rules are not applied; see the "Inference" section under "Switch function 1" of Figure 5).

In response, the examiner respectfully notes that in the "Inference" section under "Switch function 1" as well as in the "Inference" section under "Switch function 2" and "Switch function 3," Smith indeed apply **each** of the fuzzy rules to **each** of the fuzzy mapped values.

For example, under "Switch function 1": in addition to the listed rules 5, 6, 8 and 9, there is also listed "all other rules having zero activation $m_{low} = 0$". Since $m_{low} = 0$ for both CF_{geo} and CF_{phys}, i.e., the minimum of both 0s being 0, the inference rules 1, 2, 4 and 5 automatically infer that the minimum equals 0. If rules 1, 2 and 4 are to be applied, the inferred result will be as follows:

rule 1: min (m_{low}, m_{low})   (i.e., the minimum value of the m_{low} of the fuzzy value CF_{geo} being = 0 and the m_{low} of the fuzzy value CF_{phys} being = 0 is 0 LOW)

rule 2: min (m_{low}, m_{med})   (i.e., the minimum value of the m_{low} of the fuzzy value CF_{geo} being = 0 and the m_{med} of the fuzzy value CF_{phys} being = 0.2 is 0 LOW)

rule 4: min (m_{med}, m_{low})   (i.e., the minimum value of the m_{med} of the fuzzy value CF_{geo} being = 0.3 and the m_{low} of the fuzzy value CF_{phys} being = 0 is 0 LOW).

Therefore, contrary to Applicants' assertion, Smith does indeed apply each fuzzy logic rule of the plurality of rules {1, 2, 4, 5, 6, 8, 9} to each value of the fuzzified dynamic values { m_{low}, m_{med}, m_{high} of CF_{geo} and CF_{phys}}, as claimed in the instant application.

With respect to Applicants' argument that the tool of Smith does not apply the fuzzy rules to dynamic values indicating network traffic flow, Applicants' attention is directed to the examiner's response to Applicants' arguments in the previous Office action. It is also noted that some of the examiner's responses therein have not been addressed by Applicants.

August 22, 2006

ANTONY NGUYEN-BA
PRIMARY EXAMINER